

Message

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**From:** Tack, Jon [jon.tack@dnr.iowa.gov]  
**Sent:** 8/29/2017 3:10:22 PM  
**To:** Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**CC:** Stephanie Groen [stephanie.groen@iowa.gov]; Kayla Lyon [kayla.lyon@iowa.gov]  
**Subject:** Fwd: Iowa antidegradation rules meeting - Sept. 19  
**Attachments:** Basis for Reversal of EPA disapproval.docx; Iowa Antideg update Aug 7th (2).docx; Antideg Memo on EPA disapproval.docx

Mr. Forsgren,

In preparation for our meeting on September 19th, I have attached a couple of short documents in regard to Iowa's antidegradation rules. I hope they are helpful.

The documents are:

1. A potential basis for reversal of EPA's disapproval - 3 pages.
2. A specific response to EPA concerns in regard to 115% - 2 pages.
3. Our January memo on this issue - 2 pages.

I am available to talk at any time if you wish to discuss anything prior to the meeting.

Thanks.



**Jon C. Tack** | Water Quality Bureau Chief  
Iowa Department of Natural Resources  
P **Ex. 6** | F 515-725-8201 | 502 E. 9th St., Des Moines, IA 50319  
[www.iowadnr.gov](http://www.iowadnr.gov)

## MEMO

**To: Doug Hoelscher, State-Federal Liaison**

**From: Jon Tack, Bureau Chief, Water Quality Bureau, IDNR**

**Date: January 23, 2017 – updated January 25, 2017**

**Re: EPA Disapproval of Iowa Antidegradation Rules**

On January 19, 2017, on the eve of the change in federal administration, U.S. EPA issued a decision disapproving the changes Iowa adopted in 2016 to the State's antidegradation water quality rules. Generally speaking, the antidegradation requirements of the Clean Water Act dictate the level of treatment technology that must be installed when a community or business requests permission for a new or increased discharge of pollutants. In Iowa, these requests are usually associated with the construction of treatment plant upgrades to meet more stringent wastewater discharge limits.

Although antidegradation is a complicated matter (the denial package runs to 583 pages), the current dispute over Iowa's 2016 rulemaking is very simple and can be summed up as follows:

1. Federal antidegradation rules require that a community install a less polluting treatment alternative if it is "practicable".
2. The federal rules define "practicable" as "technologically possible, able to be put into practice, and economically viable."
3. The federal rules do not define "economically viable" but EPA has repeatedly and publically indicated that it means something more than affordable.
4. Iowa adopted an alternatives analysis that requires an option to be chosen if it is feasible, economically efficient, and affordable.
5. The new Iowa rules set a bright line standard for the economic efficiency of an alternative. If the cost of a less degrading option is within 15% of the lowest cost compliance option, a community must choose the less degrading option. If the cost is higher, they don't have to choose it.
6. The result is that Iowa rules define "economically viable" to mean affordable and economically efficient, as limited by the 15% cap.
7. Under Iowa's rules, no option is federally "practicable" if doesn't meet these tests.
8. EPA has disapproved Iowa's rules on the basis that "practicable" alternatives might be excluded by Iowa's 115% of cost bright line standard.
9. EPA's argument must logically be premised upon some definition of "economically viable" that differs from and contradicts Iowa's lawfully adopted rules.

10. Nothing in EPA's letter or the federal statutes or rules tells us what that definition of "economically viable" might be.
11. Without a legally adopted federal definition of "economically viable", there is no rational basis for EPA's disapproval determination.

This action by EPA creates great uncertainty for Iowa's towns and businesses and places them at risk of significantly greater financial burdens in their attempts to upgrade and improve the quality of Iowa waters. EPA should be required to reverse this unsupported and harmful decision.

It should also be noted that the disapproval letter offensively asserts that the Iowa rules will not allow Iowans to choose to spend more to achieve a higher level of water quality. Antidegradation is about what the federal government will force Iowa communities to spend, not what they can spend. Iowa has chosen to legally define the limits of the federal power through a proper and public rule adoption process which defines the terms that EPA has failed to define. Iowans can make decisions within their community to spend such additional funds as they have available and feel it would be wise to spend. An assertion that this election eve attempt to overturn Iowa law has been done on behalf of Iowan's is wholly inappropriate.

A reconsidered approval of Iowa's submission can be based upon the significant information previously provided by IDNR and can acknowledge that EPA failed to understand that no federally practicable alternative can exist as the federally undefined terms have been clarified by Iowa law. Because no practicable alternative is excluded by the Iowa rules, such rules are clearly compliant with the federal requirements.

## **Basis for Reversal and Approval of the Iowa Antidegradation Water Quality Submittal.**

On January 19, 2017, the U.S. Environmental Protection Agency disapproved the revisions to Iowa's water quality standards related to the Iowa Antidegradation Implementation Procedures. Iowa had submitted revisions to 567 IAC Chapters 61 and 64 and the rule-referenced document titled *Iowa Antidegradation Implementation Procedure* (AIP) on December 12, 2016. After further discussions and review and a determination to change a policy position, the EPA now reverses the decision of January 19, 2017 and hereby approves the submitted water quality standards set forth in the amended Iowa rules and AIP pursuant to Section 303(c) of the Clean Water Act for the reasons set forth below.

### **Basis for Disapproval**

EPA's basis for disapproval, as set forth in the letter of January 19<sup>th</sup>, was a determination that Iowa's use of an economic efficiency cap unduly narrows the consideration of less degrading alternatives during the alternatives analysis required by 40 CFR 131.12(a)(2)(ii). The Iowa AIP states in pertinent part:

"Alternatives costing less than 115 percent of the base cost of the minimum level of pollution control are considered economically efficient. Alternatives greater than or equal to 115 percent of the base costs are not considered economically efficient. This economic efficiency standard establishes a determination that any reduction of pollutant load below the minimum level of pollution control has an environmental benefit which warrants the increased expenditure, subject to the 115 percent economic efficiency limitation. "

The applicable language of the federal regulations at 40 CFR 131.12(a)(2)(ii) states as follows:

"(ii) Before allowing any lowering of high water quality, pursuant to paragraph (a)(2) of this section, the State shall find, after an analysis of alternatives, that such a lowering is necessary to accommodate important economic or social development in the area in which the waters are located. The analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the degradation associated with the proposed activity. When the analysis of alternatives identifies one or more practicable alternatives, the State shall only find that a lowering is necessary if one such alternative is selected for implementation."

EPA determined that these provisions "conflict with 40 CFR 131.12(a)(2)(ii) which requires an analysis of alternatives that evaluates a range of practicable alternatives"<sup>1</sup>. EPA further made clear in the letter that Iowa's economic efficiency test is not consistent with EPA's intended meaning of "economically viable" as used in the definition of "practicable" at 40 CFR 131.3(n).

### **Basis for Reversal and Approval**

After further consideration and a change in policy position, the EPA now reverses its prior determination based upon the following considerations:

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<sup>1</sup> Page 16, Letter from EPA Regional Administrator Mark Hague to Jon Tack, IDNR dated 1/19/2017.

1. The Iowa AIP does require the evaluation of a range of less degrading alternatives. Section 3.1 of the Iowa AIP requires that , in relevant part:

“The applicant shall evaluate a range of non-degrading or less-degrading pollution control alternatives with the intent of identifying reliable, demonstrated processes or practices that can be reasonably expected to achieve greater pollution reduction. ”

Iowa’s expectation and practice is that, in addition to the base pollution control alternative, each applicant analyze at least one non-degrading and one less degrading alternative. Furthermore, the IDNR may require that the applicant evaluate additional alternatives if an appropriate range of alternatives was not evaluated. Therefore, the economic efficiency test does not limit the alternatives fully considered by the applicant.

2. The language of the federal regulation is contradictory. The second sentence requires that “The analysis of alternatives shall evaluate a range of practicable alternatives that would prevent or lessen the degradation associated with the proposed activity.” The third sentence states that “When the analysis of alternatives identifies one or more practicable alternatives, the State shall only find that a lowering is necessary if one such alternative is selected for implementation.”

These sentences are contradictory in that the first sentence cited indicates that a range of alternatives that have already been determined to be practicable will be analyzed. The third sentence clearly anticipates that the analysis of alternatives is not limited to only those which are practicable and is in fact a methodology to determine if any of the alternatives actually are practicable. The use of the introductory phrase “when the analysis of alternatives identifies one or more practicable alternatives” is an acknowledgement that there may be none.

As noted above, Iowa’s AIP requires a full analysis of alternatives to determine if any are practicable as required by the first and third sentences of the federal regulation. The potential that Iowa’s economic efficiency test could limit the range of practicable alternatives to be considered pursuant to the second sentence of the federal regulation is clearly within the contemplation of the regulation, as indicated by the introductory phrase cited above (*When the analysis of alternatives identifies...*). Therefore Iowa’s use of the economic efficiency test does not directly contradict the language of 40 CFR 131.12(a)(2)(ii).

3. The EPA’s disapproval was premised, in part, on a determination that the Iowa economic efficiency test is not consistent with EPA’s intended meaning of the term “economically viable” as used in the definition of “practicable” at 40 CFR 131.3(n). Further explanation of such intent was set forth through citation to the EPA responses to comments during the public comment period on the *Water Quality Standards Regulatory Revisions Rule*. EPA has now determined that the absence of a definition for “economic viability” within the regulations has resulted in an inability to carry out the intent as described in the prior responses to comments. Without any provision in Iowa’s AIP that directly contradicts the plain language in the federal regulation, it is not possible to enforce the intent envisioned by EPA at the time of the prior rulemaking and a change in policy is required in regard to this water quality standards submission.

## **Summary**

After the reconsideration of all materials previously submitted in regard to this matter and extensive discussion and analysis, EPA hereby reverses the disapproval determination made on January 19, 2017 and hereby approves Iowa's Antidegradation Water Quality Standards received on December 12, 2016 pursuant to Section 303(c) of the Clean Water Act.

[ PAGE \\* MERGEFORMAT ]

## Iowa's Use of a 115% economic efficiency criteria

Jon Tack, Chief

Water Quality Bureau

Ex. 6

August 7, 2017

In the context of antidegradation analysis, the idea to use a percentage cost test to determine the reasonableness of requiring a less degrading treatment option dates back to at least EPA Region 8's Antidegradation Implementation Guidance issued in August 1993. This guidance is the model for all subsequent antidegradation policies adopted by the States. The EPA guidance states:

### (3) Preliminary Determination

Once the Division has determined that feasible alternatives to allowing the degradation have been adequately evaluated, the Division shall make a preliminary determination regarding whether reasonable non-degrading or less-degrading alternatives are available. This determination will be based primarily on the alternatives analysis developed by the project applicant, but may be supplemented with other information or data. As a non-binding rule of thumb, non-degrading or less-degrading pollution control alternatives with costs that are less than 110 % of the costs of the pollution control measures associated with the proposed activity shall be considered reasonable. If the Division determines that reasonable alternatives to allowing the degradation do not exist, the Division shall continue with the tier 2 review and document the substance and basis for that preliminary determination using the antidegradation review worksheet.

The following states have some form of a cost comparison test:

Source/Entity	Economic Efficiency Criteria (Based on Present Worth Costs)	Binding/Non-binding
Iowa (existing)	115%	Non-binding
Iowa (proposed)	115%	Binding
U.S. EPA Region VIII Guidance (August 1993)	110%	Non-binding
Alabama	110%	Binding
Arizona	110%	Binding
Delaware	115%	Non-binding
Mississippi	110%	Binding
Missouri	120%	Non-binding
North Dakota	100% ("similar" costs)	Non-binding
Utah	120%	Non-binding
West Virginia	110%	Non-binding
Wisconsin	115% (or 110% of capital costs)	Binding

Based upon the existing EPA guidance and a review of other states' implementation methods, the original diverse stakeholder group that worked on Iowa's antidegradation implementation procedures in 2009 chose 115% as the economic efficiency criteria to be used. The primary change that Iowa made in 2016 was to go from a non-binding 115% test to a binding 115% test. In other words, we went from excluding

options that increase the cost of treatment by 15% or more in almost every case to excluding them in every case.

In response to this 2016 rulemaking, EPA has demanded that Iowa disprove the hypothetical that there could be some instance in which a treatment option which costs 115% or more would provide such great benefit that it would be worth additional costs beyond the 115% threshold. In other words, EPA has demanded that we prove that 115% is the point at which the cost must necessarily always exceed the benefit. Iowa has responded with multiple arguments:

1. The determination of reasonableness is an inherently subjective and political decision. In a challenge to Alabama's binding 110% test, the Alabama Court of Appeals stated "As adopted, the "110 percent rule," like many regulations and parts of regulations, reflects a compromise between environmental and broader economic concerns, a compromise that the judiciary should be loath to disturb" *ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT and Alabama Environmental Management Commission v. LEGAL ENVIRONMENTAL ASSISTANCE FOUNDATION, INC.*, 2030878 and 2040311 (August 12, 2005). Iowa agrees with the Court's reasoning and asserts that, if faced with a judicial challenge, the fact that Iowa is within the range of antidegradation economic tests adopted by the States (100-120%) is per se proof of the reasonableness of Iowa's 115% standard, in fact it is the only measure by which the court could make such a reasonableness determination.
2. EPA not only originally proposed the use of a cost percentage test for reasonableness, they have repeatedly approved the use of such tests. While some are binding and some are only used for guidance, in all cases they are determinative in the approval of most of the antidegradation analyses submitted to a state. To the best of Iowa's knowledge, EPA has never required a state to prove in any manner that the percentage chosen represents an objectively verifiable determination of the point at which costs exceed benefits. Such a requirement would be just as applicable to a non-binding test (which applies most of the time) and just as impossible. It is impossible because reasonableness is inherently subjective. Iowa chose 115% based upon stakeholder input and a review of other States' procedures. EPA has responded that the prior approvals were under the pre-2015 rule but cannot identify any language in the newer rule which would change the evaluation of such a binding or non-binding cost percentage test.
3. EPA cannot identify any specific language in the federal language which is contradicted by Iowa's 115% economic efficiency test.
4. EPA has asserted that the binding 115% test is not within the scope of the term "economically viable" in the federal rule. That term is not defined in the federal rules. Unless or until EPA defines the term, Iowa is free to do so.

It is not possible for Iowa, EPA or any of the state's with a percentage cost comparison test or guideline to objectively prove that their determination of reasonableness is the correct and only determination possible for their state or region. By demanding such proof, EPA is asserting that all such test (binding or non-binding) are unapprovable. There is no legal basis for such a position. EPA must approve Iowa's Antidegradation Implementation Procedure based upon the reasoning set forth in the recently submitted justification.

Message

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**From:** Ed Thomas [ethomas@tfi.org]  
**Sent:** 3/29/2018 2:50:31 PM  
**To:** Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**CC:** Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]  
**Subject:** FW: David Ross Calendar  
**Attachments:** David Ross Invitation 3-18.pdf; OW Speaker Request Form - David Ross.docx

Lee:

Would your schedule permit to address The Fertilizer Institute's Environmental, Health, Safety, and Security Committee. As you can see from the speaker request form and the David Ross invitation, we are really interested in a informal discussion around nutrient management and improving water quality. As you can see from the email string below, Mr. Ross is unable to attend.

I can provide further details at your request. We would welcome the opportunity to have you visit with our members and it would be nice to see you again!

Regards, Ed Thomas

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Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Penman, Crystal [mailto:Penman.Crystal@epa.gov]  
**Sent:** Thursday, March 29, 2018 10:43 AM  
**To:** Ed Thomas <ethomas@tfi.org>  
**Subject:** RE: David Ross Calendar

Thank you for your email Mr. Thomas. We are in receipt of your invitation and, as you can imagine, it is a busy time for Mr. Ross. At this time, Mr. Ross' schedule is near full through mid-June. Lee Forsgren, our Deputy Assistant Administrator would be happy to meet with your group. Please don't hesitate to contact me should you have any questions.

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**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Friday, March 23, 2018 9:30 AM  
**To:** Penman, Crystal <Penman.Crystal@epa.gov>  
**Subject:** RE: David Ross Calendar

Please see attached completed form. I am happy to provide additional details at your request.

Regards, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Penman, Crystal [<mailto:Penman.Crystal@epa.gov>]  
**Sent:** Friday, March 23, 2018 8:51 AM  
**To:** Ed Thomas <[ethomas@tfi.org](mailto:ethomas@tfi.org)>  
**Subject:** FW: David Ross Calendar

Can I ask that you fill out our Speaker request form and return to us as soon as possible. Thank you.

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**From:** Penman, Crystal  
**Sent:** Monday, March 19, 2018 10:52 AM  
**To:** Dennis, Allison <[Dennis.Allison@epa.gov](mailto:Dennis.Allison@epa.gov)>  
**Subject:** FW: David Ross Calendar

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**From:** Ed Thomas [<mailto:ethomas@tfi.org>]  
**Sent:** Monday, March 19, 2018 10:44 AM  
**To:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>; Ross, David <[Ross.David@epa.gov](mailto:Ross.David@epa.gov)>  
**Subject:** RE: David Ross Calendar

Mr. Ross:

Please see attached letter of invitation to address The Fertilizer Institutes (TFI) Environmental, Health, Safety, and Security Committee on April 10, 2018 in Washington, DC at our office. We would be honored to have you spend a few minutes addressing the committee. Please let me know if I could provide further detail to facilitate your willingness to participate.

Regards,  
Ed Thomas

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Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Ed Thomas  
**Sent:** Wednesday, March 07, 2018 5:03 PM  
**To:** 'Penman.crystal@Epa.gov' <Penman.crystal@Epa.gov>  
**Subject:** David Ross Calendar

Crystal:

It has been a while since the last time I we chatted at the EPA/Ag Stakeholder meetings. Hope all is well and you are not overwhelmed with the flurry of activity at the Agency these days!

I wanted to extend an invitation to Mr. Ross to have him spend whatever time he may be able to spare addressing The Fertilizer Institutes (TFI), Environment, Health, Safety, and Security Committee. I understand he has very few opportunities due to his busy schedule focusing on Office of Water priorities, however, we would welcome any amount of time (15-30 minutes) he may be able to attend.

I understand that one of the top priorities in OW is improving water quality from nutrient run-off, which is the objective of one of our programs we manage, advocate, and implement here at TFI – The 4R Nutrient Stewardship Program. We will be meeting on April 10, 2018 at the TFI offices (see address in tag line below) from 9 a.m. – 3 p.m. and can accommodate him at any time. We will have the typical interests (WOTUS, Nancy Stoner memo, coordination with Ag community to improve water quality, EPA/Corp 404 permitting reform, and any other ag/fertilizer related priorities he would like to discuss). It will be a very informal setting with our members. Please let me know if you require further detail for him to consider the value of attending such an event.

Thanks in advance for your time and consideration, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)



425 Third Street, S.W., Suite 950  
Washington, D.C. 20024  
tfi.org

March 16, 2018

Honorable David Ross  
Assistant Administrator, Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Ross:

The Fertilizer Institute (TFI) has a long standing partnership with the Office of Water to encourage nutrient stewardship with a goal of improving water quality. We applaud your efforts for prioritizing water quality improvements with a common sense approach to nutrient management. As you are aware, TFI has created such a program, The 4R Nutrient Stewardship Program.

TFI invites you to address the association's Environmental, Health, Safety, and Security Committee on April 10, 2018 in Washington, DC at our office. The venue would offer an opportunity for you to have a personal conversation with members who are routinely engaged in the complexities of nutrient management at the state and local level. The group would welcome the opportunity to explore your priorities for 15-30 minutes when your schedule permits that day between 9 a.m. – 3 p.m.

TFI represents fertilizer manufacturers, transporters, wholesaler, brokers and retailers, all of whom are impacted by the policies, programs and regulations of your office. TFI's members provide nutrients that are responsible for nearly half of a crop's yield, helping to ensure a stable and reliable food supply. The fertilizer industry supports nearly 500,000 American jobs and has an economic impact of over \$155 billion annually.

We would be delighted if you were able to join us in April. Please let me know what additional information you may need regarding this upcoming event. I may be reached at [ethomas@tfi.org](mailto:ethomas@tfi.org) or **Ex. 6**. Thank you for your consideration.

Sincerely,



Ed Thomas  
Director, Regulatory Affairs

## Event Information Form

This form has been designed to assist in planning participation in events and activities.  
This is not a confirmation of attendance.

### Basic Background

Name of Event	Environmental, Health, Safety, and Security Committee Meeting
Sponsoring Organization	The Fertilizer Institute
Date of Event	April 10, 2018
Time of Event	9:00 a.m. – 2:00 p.m.
Deadline for Acceptance	April 3, 2018
Speaker Requested	David Ross
Expected time of remarks or participation by EPA official	15-30 minutes (anytime between 9:00 a.m. – 2:00 p.m.)
Location (please include city/town and street address)	425 3 <sup>rd</sup> Street, SW, Suite 950, Washington, DC 20024
Directions to the event (if appropriate, please also include relevant information about parking, the specific building, and best entrance to use)	Single building entrance. TFI Staff (Ed Thomas) will greet in lobby and escort to the meeting location on 9 <sup>th</sup> floor.
Where to meet POC	Ed Thomas, Building Lobby

### Event Description and Role of the EPA official

Brief description or outline of the event	
Brochure, invitation and/or other event material(s)	See <a href="#">link of DRAFT agenda</a> (Mr. Ross speaking time is flexible)
Agenda and order of speakers and biography/information of other speakers	See above link
Name of person introducing EPA official	Ed Thomas
Basic information about the role of the EPA official at the event. (For example, will they serve as a keynote speaker? Participate on a panel? Take part in a press conference? Tour a facility?)	Informal meeting. Mr. Ross can speak about his priorities at the Office of Water with a focus on nutrient management. No slide presentation necessary. Informal discussion followed by an opportunity for question and answers. This will be a very friendly audience.
If the EPA official is a featured speaker, which topic(s) should they address and how long?	15 -30 minute discussion about water quality and nutrient management
What rules would the audience like to hear about?	Nutrient management, water quality, and flexibility of CWA 319 funds.
Will there be time for Q&A? If so, who will be moderating?	Q & A to follow. Small group of approximately 20 people will be moderated by Ed Thomas
Do you have a sense of the types of questions that may be asked?	What plans does OW have for engaging agriculture, and common sense nutrient management planning
Recommendations on the use of visuals/PowerPoint. Should the EPA official plan on using a PowerPoint Presentation?	No powerpoint

What is the physical layout of the room (e.g. size, and format of the interaction; podium, seated in armchair dialogue, or at a table, etc.)	Board room style. All will be seated around a table.
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#### About the Audience

Please tell us about the make-up of the audience for the event:	Regulatory managers from leading fertilizer manufacturers, retailers, and producers.
Expected number in attendance at the event	20
Is the event open to press?	No

#### Contact Information

Your name:	Ed Thomas
Telephone Number:	(w) <b>Ex. 6</b> (c) <b>Ex. 6</b>
Mailing Address:	425 3 <sup>rd</sup> Street, SW (Suite 950) Washington, DC 20024
E-Mail Address:	ethomas@tfi.org
Cell Phone Number:	<b>Ex. 6</b>
Best way to reach you at the event?	Cell phone

#### EPA Contact Person

Allison Dennis, Deputy Communications Director: 202-564-1985

Lauren Mayer, ORISE: 202-564-0408

Message

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**From:** Ed Thomas [ethomas@tfi.org]  
**Sent:** 12/1/2017 2:36:26 PM  
**To:** Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**Subject:** Bio for Introduction

Lee:

It was a pleasure to meet you yesterday at the Hunton and Williams event. We look forward to having you address our TFI Government Affairs Committee on Tuesday (Dec 5). In preparation we would like to introduce you to the committee and would like a copy of your bio for the introduction. Looking forward to seeing you again.

Regards, Ed.

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Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

Message

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**From:** Ed Thomas [ethomas@tfi.org]  
**Sent:** 11/27/2017 7:04:02 PM  
**To:** Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**Subject:** RE: Speaking Invitation

Thank you Crystal. If it is ok to hold off until this afternoon to firm up the schedule I would appreciate the extra time. Jeff Sands (EPA Ag Advisor) is checking his schedule for his availability. If we can get him scheduled it will provide a little extra time for Mr. Forsgren to accomplish other tasks!

Regards, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
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**From:** Penman, Crystal [mailto:Penman.Crystal@epa.gov] **On Behalf Of** Forsgren, Lee  
**Sent:** Monday, November 27, 2017 11:01 AM  
**To:** Ed Thomas <ethomas@tfi.org>  
**Subject:** RE: Speaking Invitation

If we can have Lee speak early in the morning, let say 9:30am, I believe this will work on Dec 5. Attached is our speaker request form for you to fill out and send back to me. This will help us prepare talking points for Lee.

**Crystal Penman**  
Program Specialist  
Office of Water  
Immediate Office  
U.S. Environmental Protection Agency  
Work: 202-564-3318  
[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)

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**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Wednesday, November 22, 2017 1:06 PM  
**To:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>  
**Subject:** RE: Speaking Invitation

Thanks Lee!

Hope you have some downtime over the holidays.

Regards, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Forsgren, Lee [<mailto:Forsgren.Lee@epa.gov>]  
**Sent:** Wednesday, November 22, 2017 12:19 PM  
**To:** Ed Thomas <[ethomas@tfi.org](mailto:ethomas@tfi.org)>  
**Cc:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>  
**Subject:** RE: Speaking Invitation

Ed,

Would love to have the opportunity to speak with your organization. My calendar is extremely busy on the 5<sup>th</sup> but Crystal Penman may be able to work it out but it will be extremely difficult.

Let's see what might be possible.

Regards,  
Lee

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**From:** Ed Thomas [<mailto:ethomas@tfi.org>]  
**Sent:** Wednesday, November 22, 2017 11:08 AM  
**To:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>  
**Subject:** Speaking Invitation

Mr. Forsgren:

The Fertilizer Institute (TFI) TFI represents the nation's fertilizer industry, including producers, importers, retailers, wholesalers and companies that are engaged in all aspects of the fertilizer supply chain. We have been actively engaged on many fronts within the Office of Water including actively promoting our 4R nutrient stewardship program, advocating for CWA Section 404 permitting reform, WOTUS, and many other important issues.

My Government Affairs Committee will be meeting on Dec 5 at our office here in DC (425 3<sup>rd</sup> st, SW, Suite 950) from 9 a.m. – 1 p.m. We have invited Jeff Sands (EPA Ag Advisor) to be a guest speaker for 30 minutes, however, we remain uncertain of his availability. We would be honored to have you provide a briefing to the committee and provide an update about the current status of the high priority issues being tackled at the Office of Water (particularly WOTUS and 404 permitting reform). I realize your schedule is extremely tight but we can accommodate you at any time and duration.

Please let me know if you may be interested in addressing the committee and if you may be available. Wishing you a wonderful Thanksgiving. And a little personal note – THANK-YOU for all you are doing within the Agency. I have worked at EPA headquarters as well as have been working in cooperation with the Agency for my entire 25 year career and have never been this excited about the work that is underway!

Regards, Ed.

FYI - A little background about the fertilizer industry:

In 2015 alone, the U.S. fertilizer industry invested \$5.1 billion in capital infrastructure projects. These investments create jobs, increase worker and community safety, and help conserve energy, land, water, and air resources. The U.S. fertilizer industry is one of the world's largest. The United States is the world's fourth largest producer of nitrogen-based fertilizers and the second largest producer of phosphate fertilizer. The U.S. fertilizer industry generates more than \$155 billion in economic benefit and provides more than 89,000 direct jobs and 406,000 indirect jobs for a total of more than 495,000 U.S. jobs.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

Message

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**From:** Tack, Jon [jon.tack@dnr.iowa.gov]  
**Sent:** 11/21/2017 10:07:34 PM  
**To:** Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Stephanie Groen [stephanie.groen@iowa.gov]; Kayla Lyon [kayla.lyon@iowa.gov]; Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**Subject:** Iowa Antidegradation

Mr. Fotouhi,

I have not heard from anyone since our conference call on October 19th. If you could call me at Ex. 6 and provide me with an update, I would really appreciate it.  
Thanks.

Message

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**From:** Ed Thomas [ethomas@tfi.org]  
**Sent:** 11/28/2017 3:29:54 PM  
**To:** Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**Subject:** RE: Speaking Invitation  
**Attachments:** Speaker Request Form - Lee Forsgren.docx

Ms. Penman:

Please see the attached speaker request form. We are looking forward to having Mr. Forsgren address the TFI Government Affairs Committee on December 5, 2017 at 9:30 am. If this time becomes unavailable we are very flexible to accommodate him at his convenience between 9:00 a.m. – 1:00 p.m.

Thank you in advance for your time and consideration of our request.

Regards, Ed Thomas

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Penman, Crystal [mailto:Penman.Crystal@epa.gov] **On Behalf Of** Forsgren, Lee  
**Sent:** Monday, November 27, 2017 11:01 AM  
**To:** Ed Thomas <ethomas@tfi.org>  
**Subject:** RE: Speaking Invitation

If we can have Lee speak early in the morning, let say 9:30am, I believe this will work on Dec 5. Attached is our speaker request form for you to fill out and send back to me. This will help us prepare talking points for Lee.

**Crystal Penman**  
Program Specialist  
Office of Water  
Immediate Office  
U.S. Environmental Protection Agency  
Work: 202-564-3318  
[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)

---

**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Wednesday, November 22, 2017 1:06 PM  
**To:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>  
**Subject:** RE: Speaking Invitation

Thanks Lee!

Hope you have some downtime over the holidays.

Regards, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Forsgren, Lee [<mailto:Forsgren.Lee@epa.gov>]  
**Sent:** Wednesday, November 22, 2017 12:19 PM  
**To:** Ed Thomas <[ethomas@tfi.org](mailto:ethomas@tfi.org)>  
**Cc:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>  
**Subject:** RE: Speaking Invitation

Ed,

Would love to have the opportunity to speak with your organization. My calendar is extremely busy on the 5<sup>th</sup> but Crystal Penman may be able to work it out but it will be extremely difficult.

Let's see what might be possible.

Regards,  
Lee

---

**From:** Ed Thomas [<mailto:ethomas@tfi.org>]  
**Sent:** Wednesday, November 22, 2017 11:08 AM  
**To:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>  
**Subject:** Speaking Invitation

Mr. Forsgren:

The Fertilizer Institute (TFI) TFI represents the nation's fertilizer industry, including producers, importers, retailers, wholesalers and companies that are engaged in all aspects of the fertilizer supply chain. We have been actively engaged on many fronts within the Office of Water including actively promoting our 4R nutrient stewardship program, advocating for CWA Section 404 permitting reform, WOTUS, and many other important issues.

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Please let me know if you may be interested in addressing the committee and if you may be available. Wishing you a wonderful Thanksgiving. And a little personal note – THANK-YOU for all you are doing within the Agency. I have worked

at EPA headquarters as well as have been working in cooperation with the Agency for my entire 25 year career and have never been this excited about the work that is underway!

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\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

**OFFICE OF WATER SPEAKER REQUEST****U.S. Environmental Protection Agency****FORM**

<b>Deadline for Acceptance:</b>	
<b>Event Title:</b>	<i>The Fertilizer Institute – Government Affairs Committee Meeting</i>
<b>Speech Date:</b>	December 5, 2017
<b>Is the Above Date Flexible:</b>	No
<b>Speech Time &amp; Duration:</b>	9:30 a.m. (No longer than 30 minutes with Q &A)
<b>Speaker Requested:</b>	Lee Forsgren
<b>Event Location:</b>	425 3 <sup>rd</sup> Street, SW (Suite 950)
<b>Open Press/Closed Press:</b>	Closed Press
<b>Is Event Webcast/Recorded/Transcribed:</b>	No
<b>Purpose of the Event:</b>	Develop policy and regulatory positions for the Nation's fertilizer manufacturing, retailers, and wholesale companies
<b>Speech Topic:</b>	Status/Update on EPA Office of Water priorities with a special focus on WOTUS and EPA/Corp 404 Permitting Reg Reform (TFI members mine phosphate and potash which require 404 permits). Other topics of interest if time permits include an update on Missouri NNC status and EPA position on continued support of States use of alternative NNC approaches (i.e. The "Beauvais Memo".) for non-point sources (e.g. using voluntary nutrient reduction approaches)
<b>Requested Presentation Format:</b>	Verbal
<b>Speech/Presentation Duration:</b>	No longer than 30 minutes with Q & A
<b>Audience:</b>	Government Affairs and Policy Professionals from wide sector of Fertilizer companies
<b>Event/Organization Web Site:</b>	<a href="http://www.tfi.org">www.tfi.org</a>
<b>Event Agenda/Program:</b>	<a href="#">See hyperlinked committee agenda</a>
<b>Notable Guests Attending:</b>	
<b>Point of Contact:</b>	Ed Thomas ( <a href="mailto:ethomas@tfi.org">ethomas@tfi.org</a> ; (w) <b>Ex. 6</b> (c) <b>Ex. 6</b>

Message

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**From:** Chip Murray [cmurray@nafoalliance.org]  
**Sent:** 9/20/2017 9:40:43 PM  
**To:** Forsgren, Lee [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a055d7329d5b470fbaa9920ce1b68a7d-Forsgren, D]  
**CC:** Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]  
**Subject:** RE: Meeting request

Thank you! Crystal, please send me some options starting with next week. There may one or two other folks who would like to attend. Chip

Chip Murray  
Vice President for Policy & General Counsel  
National Alliance of Forest Owners

**Ex. 6**

[www.nafoalliance.org](http://www.nafoalliance.org)

---

**From:** Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]  
**Sent:** Wednesday, September 20, 2017 5:38 PM  
**To:** Chip Murray <cmurray@nafoalliance.org>  
**Cc:** Penman, Crystal <Penman.Crystal@epa.gov>  
**Subject:** Re: Meeting request

Chip,  
I will be happy to meet with you. Crystal Penman will find a time that works for everyone.

Thanks  
Lee

Sent from my iPhone

On Sep 20, 2017, at 2:19 PM, Chip Murray <[cmurray@nafoalliance.org](mailto:cmurray@nafoalliance.org)> wrote:

Dear Lee,

Good afternoon. My name is Chip Murray and I work for the National Alliance of Forest Owners. Within the forest products industry, we represent the large commercial forest owners, many of whom manage land previously owned by the integrated corporations. Several of those now paper companies met with you a couple of weeks ago and you inquired about issues regarding section 404(f), the silviculture exemption from wetlands permits. I would appreciate the opportunity to come and discuss this with you at your convenience. I would also like to obtain your advice regarding a TMDL being developed in California.

Thank you, Chip

Chip Murray  
Vice President for Policy & General Counsel  
National Alliance of Forest Owners

**Ex. 6**

[www.nafoalliance.org](http://www.nafoalliance.org)

Message

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**From:** Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]  
**Sent:** 6/8/2018 5:56:09 PM  
**To:** Ed Thomas [ethomas@tfi.org]  
**CC:** Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]  
**Subject:** RE: LOCAL Conservation/Nutrient Stewardship Ag Tour

Ed

Unfortunately I will be out of the country on those days.

Regards,  
Lee

---

**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Friday, June 8, 2018 1:54 PM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** LOCAL Conservation/Nutrient Stewardship Ag Tour

Lee:

One more opportunity that I wanted to be sure was at least on your radar screen. As I already know you are very busy, but this annual agriculture [Conservation Technology Innovation Center tour](#) is local, free, and I have found them extremely valuable. I have also reached out to Owen McDonough to make him aware of the tour.

The upcoming Conservation In Action Tour hosted by the Conservation Technology Innovation Center (CTIC) will be happening on July 10<sup>th</sup> and 11<sup>th</sup> in Maryland. This year's tour will be leaving out of Annapolis on the morning of July 11<sup>th</sup> (there is a reception the evening of the 10<sup>th</sup> that you are also welcome to attend) and will conclude late that afternoon. The tour will make several stops at various locations (farms, conservation areas, etc.) and is a wonderful opportunity to learn more about conservation in the field and how it relates to fertilizer use. We also currently have one 4R Advocate speaking on the tour.

It will be relatively easy to make the trip out to Annapolis on the morning of the 11<sup>th</sup> to catch the bus but you are also welcome to look into hotel reservations if preferred. You can check out hotel information [here](#). Otherwise more information on the tour and all the events can be found [here](#).

Regards, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

Message

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**From:** Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]  
**Sent:** 6/8/2018 1:56:42 PM  
**To:** Ed Thomas [ethomas@tfi.org]  
**CC:** Penman, Crystal [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=93662678a6fd4d4695c3df22cd95935a-Penman, Crystal]  
**Subject:** RE: 20-30 minute meeting?

Thanks Ed. We will do our absolute best to find some time.

---

**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Friday, June 8, 2018 9:55 AM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** RE: 20-30 minute meeting?

Thanks Lee.

I kind of have a feeling that the week of June 25 is just like every week you are having these days! You guys all have a really tough job over there. I sympathize for you!

I asked Alan Prouty (I forgot to mention he is Vice President of Env. And Reg Affairs at J.R. Simplot Company) to coordinate with Crystal to see if he could pare down his time to 10 minutes with you. He will respect your calendar limitations.

Regards,  
Ed

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]  
**Sent:** Thursday, June 07, 2018 5:05 PM  
**To:** Ed Thomas <ethomas@tfi.org>  
**Cc:** Penman, Crystal <Penman.Crystal@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>  
**Subject:** RE: 20-30 minute meeting?

Ed,

Would love to meet with Alan but my calendar that week is crazy. Crystal Penman who handles my schedule will try to find a way to make it work but I can't make any promises.

Thanks,  
Lee

**D. Lee Forsgren**

Deputy Assistant Administrator  
Office Of Water  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3219 WJCE  
Washington, DC 20460  
Phone: 202-564-5700  
[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)

---

**From:** Ed Thomas [<mailto:ethomas@tfi.org>]  
**Sent:** Thursday, June 7, 2018 3:40 PM  
**To:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>  
**Subject:** 20-30 minute meeting?

Lee:

As you know, we really enjoyed having you have such a frank and relaxed conversation with The Fertilizer Institutes, Environmental, Health, Safety and Security Committee this past April. The committee found the discussion very useful and we stand ready to help you with your efforts on CWA 404 reform when the WOTUS effort has some down time.

On another note, the EHS&S Committee Chairman, Alan Prouty, will be in town later this month on June 26-27. He has inquired about your availability to have a meeting with him regarding the EPA review/approval of the Idaho Human Health Water Quality Criteria. The meeting should not be any longer than 20-30 minutes. He has availability all day on June 27 and the morning of June 26. He would be coming to your office at EPA headquarters to attend if you have the time to slip in a quick meeting on one of those days.

Again thank-you for all your hard work making a healthier environment based on sound science and policy within the Agency.

Regards,  
Ed Thomas

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Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

Message

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**From:** Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]  
**Sent:** 11/22/2017 6:43:38 PM  
**To:** Ed Thomas [ethomas@tfi.org]  
**Subject:** RE: Speaking Invitation

Thanks Ed. You have a happy Thanksgiving as well!

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**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Wednesday, November 22, 2017 1:06 PM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** RE: Speaking Invitation

Thanks Lee!

Hope you have some downtime over the holidays.

Regards, Ed.

\*\*\*\*\*

Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

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**From:** Forsgren, Lee [mailto:Forsgren.Lee@epa.gov]  
**Sent:** Wednesday, November 22, 2017 12:19 PM  
**To:** Ed Thomas <ethomas@tfi.org>  
**Cc:** Penman, Crystal <Penman.Crystal@epa.gov>  
**Subject:** RE: Speaking Invitation

Ed,

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Let's see what might be possible.

Regards,  
Lee

---

**From:** Ed Thomas [mailto:ethomas@tfi.org]  
**Sent:** Wednesday, November 22, 2017 11:08 AM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** Speaking Invitation

Mr. Forsgren:

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Ed Thomas  
Director, Regulatory Affairs  
The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) **Ex. 6**  
(c)

Message

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**From:** Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]  
**Sent:** 10/9/2017 10:39:15 PM  
**To:** Tack, Jon [jon.tack@dnr.iowa.gov]  
**CC:** Flournoy, Karen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f2a42311936f4c9f807569bc2dda4337-FLOURNOY, KAREN]; Curtis, Glenn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=29eb9f6ad9054e3c94a43e93443e7996-CURTIS, GLENN]; Chu, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a7a6452e3e0941b4bb1fafa1ba1ae424-Chu, Edward]; Robichaud, Jeffery [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8d521d2cd48e4b2e9ceec4c9cb648e1-ROBICHAUD, JEFFERY]; Kayla Lyon [kayla.lyon@iowa.gov]; Stephanie Groen [stephanie.groen@iowa.gov]; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]; Greenwalt, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c13775b8f424e90802669b87b135024-Greenwalt,]; Neugeboren, Steven [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfd837ac503949a9820715b53ba921e6-SNEUGEBO]  
**Subject:** Re: Iowa Antidegradation

Jon,

David Fotoui's scheduler and Crystal Penman will find a time for he meeting we discussed.

Regards  
Lee

Sent from my iPhone

On Oct 9, 2017, at 12:06 PM, Tack, Jon <[jon.tack@dnr.iowa.gov](mailto:jon.tack@dnr.iowa.gov)> wrote:

I will be attending the ASDWA meeting in D.C. next week. If a meeting could be arranged for Tuesday, Wednesday or Thursday (17th-19th), I would be happy to come to EPA headquarters and speak with someone from the General Counsel's Office in regard to our Antidegradation rules. Let me know if that works.

Thanks.



Jon C. Tack | Water Quality Bureau Chief  
Iowa Department of Natural Resources  
P **Ex. 6** | F 515-725-8201 | 502 E. 9th St., Des Moines, IA 50319  
[www.iowadnr.gov](http://www.iowadnr.gov)

Message

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**From:** Forsgren, Lee [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]  
**Sent:** 9/22/2017 2:16:53 PM  
**To:** Steven Rowe [steven.rowe@newtrient.com]  
**Subject:** Re: Newtrient: Vermont Meeting

Thanks Steven

Sent from my iPhone

On Sep 22, 2017, at 9:29 AM, Steven Rowe <[steven.rowe@newtrient.com](mailto:steven.rowe@newtrient.com)> wrote:

Lee,  
There is not a critical aspect to the timing of this meeting. Let me chat with my team and we'll communicate with Crystal on when to reschedule the meeting. If there is someone on your team who we should brief on our week, I'm happy to do that at any time.

I'll get back to you and Crystal shortly.

Thanks  
Steve

STEVEN P. ROWE  
President  
NEWTRIENT

**Ex. 6**

[steven.rowe@newtrient.com](mailto:steven.rowe@newtrient.com)  
[www.newtrient.com](http://www.newtrient.com)

---

**From:** Forsgren, Lee [<mailto:Forsgren.Lee@epa.gov>]  
**Sent:** Friday, September 22, 2017 8:17 AM  
**To:** Steven Rowe <[steven.rowe@newtrient.com](mailto:steven.rowe@newtrient.com)>  
**Cc:** Bode, Denise A (53804) <[dabode@michaelbeststrategies.com](mailto:dabode@michaelbeststrategies.com)>; Swanson, Kevin O (59578) <[koswanson@michaelbeststrategies.com](mailto:koswanson@michaelbeststrategies.com)>; Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>  
**Subject:** RE: Newtrient: Vermont Meeting

Steve,

I owe you a thousand apologies. After we talked, I failed to mention the event's date to my scheduler Crystal Penman, who would have immediately reminded me if I had, that I have to be in Alaska Chairing a public hearing on that day. Can we possibly find another date our could EPA send a suitable substitute (one who has actual substantive knowledge of the subject) to attend in my place on the 9<sup>th</sup>?

Again my most sincerely apology.

Regards,

Lee

**D. Lee Forsgren**

Deputy Assistant Administrator  
Office Of Water  
Environmental Protection Agency  
1200 Pennsylvania Avenue, VW  
Room 3219 WJCE  
Washington, DC 20460  
Phone: 202-564-5700  
[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)

---

**From:** Steven Rowe [<mailto:steven.rowe@newtrient.com>]  
**Sent:** Friday, September 22, 2017 9:07 AM  
**To:** Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>  
**Cc:** Bode, Denise A (53804) <[dabode@michaelbeststrategies.com](mailto:dabode@michaelbeststrategies.com)>; Swanson, Kevin O (59578) <[koswanson@michaelbeststrategies.com](mailto:koswanson@michaelbeststrategies.com)>  
**Subject:** Newtrient: Vermont Meeting

Good morning, Lee.

When we last met in your offices you offered to join us in Vermont for a meeting to hear in more detail what Newtrient is doing there and to show EPA Headquarter's support for our efforts to develop market mechanisms that will encourage farmers to provide pollution prevention services to permittees in order to achieve the TMDL obligations for Lake Champlain.

We had talked about this happening the week of October 9. I'm circling back to see if that is still on your calendar and what your thoughts are on how make this meeting a great success for EPA, the State and Newtrient.

Also, you had mentioned you would be in Chicago the first week in October for the WEFTEC meeting. Let me know your plans around that and we'll see if we can get together while you're in Chicago.

Thanks,  
Steve

STEVEN P. ROWE  
President  
NEWTRIENT

**Ex. 6**

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